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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,410	03/01/2004	Peter J. Kennedy	U03-0073.50	2409
54494	7590	01/26/2006	EXAMINER	
MOORE AND VAN ALLEN PLLC FOR SEMC			TRINH, SONNY	
P.O. BOX 13706			ART UNIT	
430 DAVIS DRIVE, SUITE 500			PAPER NUMBER	
RESEARCH TRIANGLE PARK, NC 27709			2687	

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/708,410	KENNEDY ET AL.	
	Examiner	Art Unit	
	Sonny TRINH	2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 11-12, 19, 23, 27-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-39 is/are allowed.
- 6) ☒ Claim(s) 1-4, 11, 12, 19 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to amendment filed 11/18/05. Claims 1-4, 11-12, 19-23, 27-32, 33-39 are pending, claims 5-10, 13-18, 20-22, and 24-26 have been canceled.

Response to Arguments

2. Applicant's arguments with respect to claims 1-4, 11-12, 19, 23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-4, 11-12, 19, 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Enger et al. (hereinafter "Enger"; U.S. Patent Application Number 2005/0020325 A1) in view of Battles et al. (hereinafter "Battles"; U.S. Patent Application Number 2005/0007467 A1).

Regarding **claims 1, 11**, Enger discloses a mobile device operable in both a terminal mode and an imaging mode, a method of presenting a user interface display (abstract), the method comprising:

determining an operating mode for the mobile device, wherein the operating mode can be one of at least the terminal mode and the imaging mode (such as wireless phone and camera mode [0008]); setting a display orientation for the user interface display in accordance with the operating mode, wherein the display orientation is selected from a first orientation normally associated with the terminal mode and a second orientation normally associated with the imaging mode ([0008], [0017] – [0018]); and re-setting the display orientation to the other of the first orientation and the second orientation when the operating mode changes ([0017] – [0018], [0025]).

However, Enger does not disclose that the determining is accomplished by referring to an accelerometer that indicates a physical orientation of the device.

In an analogous art, Battles teaches the systems and methods for setting an image capture device to an operational mode ([0001], [0006], abstract). Battles further teaches that the determining is accomplished by referring to an accelerometer that indicates a physical orientation of the device (figures 2-3, [0017] – [0020]).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to incorporate the accelerometer, as taught by Battles, to the system of Enger, in order to control the mode of operating the device without having to worry about setting the correct functions, this can save time and minimize the learning curve.

Regarding **claims 2, 12**, Enger further discloses that the re-setting the display orientation in accordance with a user indication to override the display orientation normally associated with the operating mode ([0021]).

Regarding **claim 3**, Enger further discloses that the first orientation is a portrait orientation and the second orientation is a landscape orientation (claims 2, 8, 11-12, [0008], [0013], [0017] – [0018], [0021]).

Regarding **claim 4**, Enger further discloses that the setting of the display orientation and the re-setting of the display orientation comprise orientating individual display elements in a normal visual orientation for one of the portrait orientation and the landscape orientation ([0021]).

Regarding **claim 19**, Enger discloses a mobile terminal operable in both a terminal mode and an imaging mode (abstract), the mobile terminal comprising: a radio block operable to provide an interface to a wireless communication network (since this is a camera phone (see abstract, [0018], the interface to a wireless communication network is inherent)); an imaging device associated with the imaging mode (inherent in the camera); a visual display operable to present at least a portion of a user interface to a user (figures 1-2, display 108, see also descriptions); a processor to, at least in part, control the mobile terminal, the processor being operationally connected to the radio block, the imaging device and the visual display (claims 1, 12, [008]); and program code stored within the mobile terminal, the program code operable to, using the processor, control the mobile terminal to set a display orientation for the user interface in accordance with a determined, current operating mode selected from the terminal mode

and the imaging mode (claim 8, [0041], [0043] – [0044]), wherein the display orientation is selected from a first orientation normally associated with the terminal mode and a second orientation normally associated with the imaging mode (abstract, [0008], [0018], [0031] – [0032]).

However, Enger does not disclose an accelerometer to determine a physical orientation of the mobile terminal.

In an analogous art, Battles teaches the systems and methods for setting an image capture device to an operational mode ([0001], [0006], abstract). Battles further teaches that an accelerometer is used to determine the mode of operation (figures 2-3, [0017] – [0020]).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to incorporate the accelerometer, as taught by Battles, to the system of Enger, in order to control the mode of operating the device without having to worry about setting the correct functions, this can save time and minimize the learning curve.

Regarding **claim 23**, Enger further discloses that the first orientation is a portrait orientation and the second orientation is a landscape orientation (claims 2, 8, 11-12, [0008], [0013], [0017] – [0018], [0021]).

Allowable Subject Matter

4. **Claims 27-39** are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding **claims 27-33** the applied references fail to disclose or render obvious the claimed limitations, specifically the apparatus and method further comprising: receiving a first user indication requesting that the image be assigned to the terminal function, the image having at least one display attribute that makes it at least in part unsuitable for use with the terminal function; altering the at least one display attribute of the image using a second user input indicating the location of a specific area of the image on a display screen so that the image is more suitable for use with the terminal function; and assigning the image to the terminal function.

Regarding **claim 34**, the applied references fail to disclose or render obvious the claimed limitations, specifically the means for receiving a first user indication requesting that the image be assigned to the terminal function, the image having at least one display attribute that makes it at least in part unsuitable for use with the terminal function; means for altering the at least one display attribute of the image using a second user input indicating the location of a specific area of the image on a display screen so that the image is more suitable for use with the terminal function; and means for assigning the image to the terminal function.

Conclusion


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny TRINH whose telephone number is 571-272-7927. The examiner can normally be reached on Monday-Thursday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester KINCAID can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SONNY TRINH
PRIMARY EXAMINER

1/23/06